

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

-----X
ADELE BASILE,

Plaintiff,

- against -

BROOKFIELD PROPERTIES RETAIL GROUP INC.,

Defendant.
-----X

COMPLAINT

**JURY TRIAL
DEMANDED**

Case No.

Plaintiff **ADELE BASILE** ("Plaintiff") by her attorneys, Law Offices of Arnold N. Kriss, complaining of Defendants **BROOKFIELD PROPERTIES RETAIL GROUP INC.**, ("Defendant Brookfield") respectfully alleges upon information and belief:

THE PARTIES

1. Plaintiff is an individual and citizen of the State of New York, County of Richmond.
2. Defendant Brookfield is a New York State foreign limited liability company incorporated in the State of Delaware
3. Defendant Brookfield has its principle office at 350 N. Orleans Street, Suite 300, Chicago, IL 60654-1607.
3. Defendant Brookfield owns, manages, controls and supervises the Staten Island Mall ("Mall") located at 2655 Richmond Avenue, Staten Island, NY 10314.

JURISDICTION AND VENUE

4. This Court's jurisdiction arises under 28 *U.S.C.* § 1332(2), Diversity of citizenship; amount in controversy; costs. All named parties meet the diversity jurisdiction of this Court.
5. This Court's jurisdiction is also pursuant to 28 *U.S.C.* § 1332(b), since Plaintiff's damages are greater than Seventy Five Thousand (\$75,000.00) Dollars.

6. The United States District Court, Eastern District of New York, is the proper venue for this action as the causes of action also arose from Defendant Brookfield's conduct within the jurisdiction of this Court.

**CIRCUMSTANCES OF PLAINTIFF'S ACCIDENT AND
THE SERIOUS INJURIES PLAINTIFF SUSTAINED**

7. On May 23, 2021, at or about 7:00 p.m. at Defendant Brookfield's Mall, Plaintiff, while lawfully walking to an automobile parked in the Mall's parking lot, tripped and fell on the Mall's unprotected, trap-like and dangerous open space area, which no warning signs were posted.

8. Plaintiff was propelled over a hidden trap-like metal border that was part of area bordering the parking lot side of this open space area. (See attached photographs).

9. As a result, Plaintiff suffered severe and permanent injuries as a result of Defendant Brookfield's failure to safely protect this dangerous and hazardous condition, post any warning signs and properly and visibly enclose or maintain this area to protect the numerous individuals, including Plaintiff, who frequent the Mall.

10. As a result of the above acts negligence and omissions of Defendant Brookfield, Plaintiff sustained pain and a fracture of the left wrist and other injuries, which required emergency medical treatment, subsequent and continuous medical treatment, as well as, a surgical procedure on October 13, 2021, to repair Plaintiff's left wrist.

**AS AND FOR A FIRST CAUSE OF ACTION
AGAINST DEFENDANT BROOKFIELD
(Negligence)**

11. Plaintiff repeats, reiterates and realleges each and every allegation contained in Paragraphs "1" through "10" as if fully set forth at length herein.

12. Plaintiff serious personal injuries were a direct and proximate result of Defendant Brookfield's negligence, by failing to properly maintain the Mall's pulic property, especially where Plaintiff was caused to fall.

13. As a result of the above acts, negligence and omissions of Defendant Brookfield, Plaintiff has been damaged in an amount in excess of the jurisdictional limits of this Court for compensatory damages.

**AS AND FOR A SECOND CAUSE OF ACTION AGAINST
DEFENDANT BROOKFIELD
(Reckless Endangerment)**

14. Plaintiff repeats, reiterates and realleges each and every allegation contained in Paragraphs “1” through “13” as if fully set forth at length herein.

15. Defendant Brookfield recklessly endangered Plaintiff and others when Defendant Brookfield recklessly engaged and permitted conduct which created a substantial risk of serious physical injury to Plaintiff and others. (NYS *Penal Law* § 120.20, Reckless endangerment in the second degree, Class A misdemeanor).

16. Defendant Brookfield’s conduct was reckless, wilful and indifferent to Plaintiff and was a violation of law.

17. Plaintiff has been damaged by Defendant Brookfield in an amount in excess of the jurisdictional limits of this Court for compensatory and punitive damages, since Defendant Brookfield’s conduct amounted to willful, wanton negligence and/or recklessness, exhibiting a conscious disregard of Plaintiff’s well being by maintaining a dangerous trap like and dangerous area on the Mall.

**AS AND FOR AN SIXTH CAUSE OF ACTION
AGAINST DEFENDANT BROOKFIELD
(Negligent Infliction of Emotional Distress)**

18. Plaintiff repeats, reiterates and realleges each and every allegation contained in Paragraphs “1” through “17” as if fully set forth at length herein.

19. Defendant Brookfield negligently inflicted emotional distress upon Plaintiff due to Defendant Brookfield’s conduct.

20. As a result of the above acts and omissions of Defendant Brookfield, Plaintiff has been damaged in an amount in excess of the jurisdictional limits of this Court for compensatory damages.

ATTORNEYS' FEES, EXPENSES AND COSTS

If Plaintiff is the prevailing party in this litigation, Plaintiff seeks attorney's fees, any and all past, present and future medical, aide, prescription, physical therapy expenses, any and all other related expenses concerning this litigation, as well as, any other costs and interest that may be granted.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that this Court enter a judgment against Defendant Brookfield in favor of Plaintiff for all Causes of Action as set forth above and seeks the following:

A. An award of damages against Defendant Brookfield in an amount to be determined at trial, plus interest, to compensate Plaintiff for compensatory damages, including, but not limited to, compensation for Plaintiff's serious personal injury, emotional distress, and for any all other related expenses and costs.

B. An award of damages against Defendant Brookfield in an amount to be determined at trial, plus interest, to compensate Plaintiff for all monetary and/or economic damages;

C. An award of punitive damages against Defendant Brookfield in an amount to be determined at trial;

D. Any prejudgment interest on all amounts due to Plaintiff;

E. Awarding Plaintiff such additional and further relief, at law or in equity as this Court may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury as to all claims for monetary damages.

Dated: May 5, 2022

By: S/ Arnold N. Kriss, Esq.
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